



Broadcasting Notice of Consultation CRTC 2016-64-1

PDF version

Reference: 2016-64

Ottawa, 4 March 2016

Notice of hearing

16 May 2016

Vancouver, British Columbia

Addition of three items

Deadline for submission of interventions/comments/answers for items 13, 14 and 15: 5 April 2016

Deadline for submission of applicants' replies for items 13, 14 and 15: 15 April 2016

[\[Submit an intervention/comment/answer or view related documents\]](#)

Further to Broadcasting Notice of Consultation 2016-64, the Commission announces the addition of the following items, which it intends to consider during the appearing phase of the hearing.

Preamble for items 13, 14 and 15

The Commission is responsible for the regulation and supervision of the Canadian broadcasting system, including licensing radio broadcasting undertakings in Canada and ensuring that they broadcast in compliance with their licences or an exemption order issued by the Commission.

To this end, the Commission has published:

- Broadcasting Order 2013-621, which exempts low-power radio programming undertakings that provide live programming derived solely from houses of worship, such as religious services, weddings, funerals and other religious celebrations and ceremonies. These undertakings may not broadcast advertising, the programming of any other programming undertaking or musical selections other than those forming an integral part of the religious ceremony being broadcast.
- Broadcasting Order 2014-447, which exempts low-power radio programming undertakings that provide live or pre-recorded messages with tourist-related information. This includes information about traffic and road conditions, weather, passenger transport (for example, airport, ferry, train) schedule information and

local attractions. These undertakings may not broadcast musical selections, except for incidental background music, or religious or political programming.

Moreover, certain low-power radio programming undertakings have been exempt for a number of years. Prior to Broadcasting Order 2014-447, in Broadcasting Notice of Consultation 2013-278, the Commission sought to combine several exemption orders for low-power radio programming undertakings providing:

- tourist and traffic information in national and provincial parks and on historic trails;
- atmospheric environment service from Environment Canada and information concerning local and marine weather, road and boating conditions, ferry schedules and traffic control;
- traffic advisories in remote areas with respect to approaching logging, construction, road maintenance and other large vehicles; and
- live or pre-recorded messages about traffic, weather conditions, highway construction and closures, conditions on bridges and in mountain passes and information relating to attractions of interest to tourists.

The Commission also sought to broaden the exemption to capture certain licensed low-power tourist information-related radio stations. In doing so, it made it clear that a consideration in exempting such stations was their limited impact on the markets they serve. Specifically, the Commission considered that their niche and other programming characteristics would help to ensure that the stations remained faithful to their nature of service and consistent with that intention.

In Broadcasting Order 2013-620, the Commission made the exemption order, noting that because tourist information stations are limited to niche programming directed to tourists and appeal to limited audiences, they would not attract sufficient advertising revenue to have an undue impact on other stations in the market. That exemption order was subsequently updated and reissued as Broadcasting Order 2014-447.

Background

On 11 September 2015, the Commission received a complaint by South Asian Broadcasting Corporation Inc. (South Asian Broadcasting), licensee of CKYE-FM, a commercial ethnic FM radio programming undertaking in Vancouver, British Columbia. South Asian Broadcasting stated that Surrey Myfm Inc. was operating VF2689 as an unauthorized commercial ethnic FM radio station rather than as an exempt tourist information station as it claimed to be doing pursuant to Broadcasting Order 2014-447.

As a result of its investigation into the complaint, the Commission began examining other entities in the Surrey/Vancouver area claiming to operate their services as low-power stations under either Broadcasting Order 2014-447 or Broadcasting Order 2013-621.

Based on its investigations, the Commission has identified two entities that may be in non-compliance with Broadcasting Order 2014-447 and one entity that may be in non-compliance with Broadcasting Order 2013-621.

In light of the above, as part of the public hearing, the Commission intends to consider the following:

13. Surrey Myfm Inc.

Surrey, British Columbia
Reference 2016-0120-4

Surrey Myfm Inc. (Myfm) operates the station VF2689 at Surrey, British Columbia, at 106.9 MHz. The station produces programming for broadcast on the radio, but does not hold a broadcasting licence to carry on a radio programming undertaking as it claims to operate as an exempt low-power tourist information radio station pursuant to Broadcasting Order 2014-447. Myfm is owned and controlled by Ravinder Singh Pannu.

The Commission received a complaint on 11 September 2015 by South Asian Broadcasting Corporation Inc., licensee of CKYE-FM, stating that VF2689 may not be operating in compliance with Broadcasting Order 2014-447. As a result, by letters dated 24 December 2015 and 8 February 2016, the Commission sought information from Myfm regarding its operations and activities to determine compliance with Broadcasting Order 2014-447.

Based on the information received, it appears that Myfm is operating its tourist information station in non-compliance with Broadcasting Order 2014-447. In particular, it appears that Myfm is:

- broadcasting programming that is inconsistent with paragraphs 4, 6 and 7 of the order;
- broadcasting above its technical parameters as authorized by the Department of Industry, contrary to paragraphs 1 and 2 of the order; and
- has not implemented emergency alerting, as required under paragraph 10 of the order.

In light of the record, it appears that Myfm is carrying on a broadcasting undertaking in whole or in part in Canada without a licence or pursuant to an exemption, contrary to the *Broadcasting Act* (the Act).

Therefore, pursuant to section 12 of the Act, the Commission calls Surrey Myfm Inc. and Ravinder Singh Pannu to a public hearing to inquire into, hear and determine whether the entity is carrying on an undertaking in whole or in part in Canada without a licence. Myfm and Mr. Pannu will also be required to show cause why a mandatory order should not be issued requiring them to cease and desist from operating a broadcasting undertaking in Surrey or elsewhere in Canada, except in compliance with the Act.

Address:

9400 Goreway Drive
 Brampton, Ontario
 L6P 0M7
 Email: rspannu@ymail.com

14. 89.3 Surrey City FM Ltd.

Surrey, British Columbia
 Reference 2016-0122-9

89.3 Surrey City FM Ltd. (City FM) operates the station VF2686 at Surrey, British Columbia, at 89.3 MHz. The station produces programming for broadcast on the radio, but does not hold a broadcasting licence to carry on a radio programming undertaking as it claims to operate as an exempt low-power tourist information radio station pursuant to Broadcasting Order 2014-447. The station is owned and controlled by Gurpal Singh Garcha.

City FM's operations came to the attention of the Commission as part of a review of the Vancouver and Surrey radio markets prior to the issuance of Broadcasting Notice of Consultation 2016-64. In letters dated 24 December 2015, 27 January 2016 and 10 February 2016, the Commission sought information from City FM regarding its operations and activities to determine compliance with Broadcasting Order 2014-447. The Commission also sought information regarding the ownership of City FM and the authorization from the Department of Industry (the Department) to operate VF2686 as the Department's records show Amrit Baani Radio Ltd. as the licensee for this station.

Based on the information received, it appears that City FM is operating its tourist information station in non-compliance with Broadcasting Order 2014-447. In particular, it appears that City FM is:

- broadcasting programming that is inconsistent with paragraphs 4, 6 and 7 of the order;
- broadcasting without proper authorizations or certificates from the Department, contrary to paragraph 1 of the order; and
- has not implemented emergency alerting, as required under paragraph 10 of the order.

In light of the record, it therefore appears that City FM is carrying on a broadcasting undertaking in whole or in part in Canada without a licence or pursuant to an exemption, contrary to the *Broadcasting Act* (the Act).

If City FM is found to be carrying on a broadcasting undertaking in whole or in part in Canada without a licence or pursuant to an exemption, Mr. Garcha may also be in non-compliance with Broadcasting Order 2014-590, pursuant to which Mr. Garcha may

not carry on a broadcasting undertaking in Surrey or anywhere else in Canada except in compliance with the Act.

Therefore, pursuant to section 12 of the Act, the Commission calls 89.3 Surrey City FM Ltd. and Gural Singh Garcha to a public hearing to inquire into, hear and determine whether the entity is carrying on an undertaking in whole or in part in Canada without a licence. City FM and Mr. Garcha will also be required to show cause why a mandatory order should not be issued requiring them to cease and desist from operating a broadcasting undertaking in Surrey or elsewhere in Canada, except in compliance with the Act.

Address:

216-12830 80th Avenue
Surrey, British Columbia
V3W 3A8
Email: info@cityfm.ca

15. Sur Sagar Radio Inc.

Surrey, British Columbia
Reference 2016-0203-7

Sur Sagar Radio Inc. (Sur Sagar) operates the station VF2688 at Surrey, British Columbia, at 91.5 MHz. The station produces programming for broadcast on the radio, but does not have a broadcasting licence to carry on a radio programming undertaking, as it claims to operate as an exempt low-power house of worship radio station pursuant to Broadcasting Order 2013-621. Sur Sagar is owned and controlled by Ravinder Singh Pannu.

Sur Sagar's operations came to the attention of the Commission as part of a review of the Vancouver and Surrey radio markets prior to the issuance of Broadcasting Notice of Consultation 2016-64. In letters dated 12 and 25 February 2016, the Commission sought information from Sur Sagar regarding its operations and activities to determine compliance with Broadcasting Order 2013-621.

Based on the information received, it appears that Sur Sagar is operating its house of worship station in non-compliance with Broadcasting Order 2013-621. In particular, it appears that Sur Sagar is:

- broadcasting programming that is inconsistent with paragraphs 4 and 7 of the order; and
- broadcasting above its technical parameters as authorized by the Department of Industry, contrary to paragraphs 1 and 2 of the order.

In light of the record, it therefore appears that Sur Sagar is carrying on a broadcasting undertaking in whole or in part in Canada without a licence or pursuant to an exemption, contrary to the *Broadcasting Act* (the Act).

Therefore, pursuant to section 12 of the Act, the Commission calls Sur Sagar Radio Inc. and Ravinder Singh Pannu to a public hearing to inquire into, hear and determine whether the entity is carrying on an undertaking in whole or in part in Canada without a licence. Sur Sagar and Mr. Pannu will also be required to show cause why a mandatory order should not be issued requiring them to cease and desist from operating a broadcasting undertaking at Surrey or elsewhere in Canada, except in compliance with the Act.

Address:

9400 Goreway Drive
Brampton, Ontario
L6P 0M7
Email: rspannu@ymail.com

Procedure

Deadline for interventions, comments or answers

5 April 2016

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, answer, replies and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under "[Statutes and Regulations](#)." Broadcasting and Telecom Information Bulletin 2010-959 provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

For purposes of the Rules of Procedure, Surrey Myfm Inc., 89.3 Surrey City FM Ltd. and Sur Sagar Radio Inc. will be considered as applicants. Consistent with section 57 of the Rules of Procedure, the applicants will have until **21 March 2016** to review the documents relied on by the Commission and to provide comments and file supporting documents with the Commission.

An intervention or an answer from a respondent must be filed with the Commission and served on the applicant on or before 5 April 2016. An answer from a respondent must also be served on any other respondent.

Interventions and answers must clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

For applications to be considered during the appearing phase of the hearing, the intervention or answer must include one of the following statements in either the first or the last paragraph:

1. I request to appear at the public hearing.
2. I do not want to appear at the public hearing.

Parties are permitted to coordinate, organize and file in a single submission interventions by other interested persons who share their position but do not wish to appear at the hearing. Information on how to file this type of submission, known as a joint supporting intervention, as well as a template for the covering letter to be filed by the parties, can be found in Broadcasting Information Bulletin 2010-28-1.

The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations and encourages all Canadians to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

In the event that an application to be considered during the non-appearing phase of the hearing is brought to the oral phase of the hearing, and if parties wish to appear, they must provide reasons why their written interventions or answers are not sufficient and why an appearance is necessary. Parties requiring communication support must state their request on the first page of their intervention. Only those parties whose requests to appear have been granted will be contacted by the Commission and invited to appear at the public hearing.

Persons requiring communications support such as assistance listening devices and sign language interpretation are requested to inform the Commission at least twenty (20) days before the commencement of the public hearing so that the necessary arrangements can be made.

Important notice

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

Electronic versions of the applications are available on the Commission's website at www.crtc.gc.ca by selecting the application number within this notice. They are also available from the applicants, either on their websites or upon request by contacting the applicants at their email addresses, provided above.

Electronic versions of the interventions and answers, as well as of other documents referred to in this notice, are available on the Commission's website at www.crtc.gc.ca by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.

Documents are also available from Commission offices, upon request, during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière
 Central Building
 1 Promenade du Portage, Room 206
 Gatineau, Quebec
 J8X 4B1
 Tel.: 819-997-2429
 Fax: 819-994-0218

Regional offices

Nova Scotia

Metropolitan Place
 99 Wyse Road
 Suite 1410
 Dartmouth, Nova Scotia
 B3A 4S5
 Tel.: 902-426-7997
 Fax: 902-426-2721

Quebec

505 de Maisonneuve Boulevard West
Suite 205
Montréal, Quebec
H3A 3C2
Tel.: 514-283-6607

Ontario

55 St. Clair Avenue East
Suite 624
Toronto, Ontario
M4T 1M2
Tel.: 416-952-9096

Manitoba

360 Main Street
Suite 970
Winnipeg, Manitoba
R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

Saskatchewan

403 – 1975 Scarth Street
Regina, Saskatchewan
S4P 2H1
Tel.: 306-780-3422
Fax: 306-780-3319

Alberta

200 – 4th Avenue South-East
Suite 574
Calgary, Alberta
T2G 4X3
Tel.: 403-292-6660
Fax: 403-292-6686

British Columbia

858 Beatty Street
 Suite 290
 Vancouver, British Columbia
 V6B 1C1
 Tel.: 604-666-2111
 Fax: 604-666-8322

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2016-24, 19 February 2015
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Radio Punjab – Issuance of mandatory order*, Broadcasting Order CRTC 2014-590, 13 November 2014
- *Terms and conditions of the exemption order for low-power tourist information related radio programming undertakings*, Broadcasting Order CRTC 2014-447, 29 August 2014
- *Exemption order for low-power radio stations that provide programming from houses of worship*, Broadcasting Order CRTC 2013-621, 21 November 2013
- *Exemption order for low-power radio stations that provide tourist information*, Broadcasting Order CRTC 2013-620, 21 November 2013
- *Call for comments regarding the exemption of low-power tourist information related radio programming undertakings from licensing requirements and associated regulations*, Broadcasting Notice of Consultation CRTC 2013-278, 7 June 2013
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010